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General Assembly

Sixty-third session

Official Records

100th plenary meeting
Tuesday, 28 July 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Menan (Togo), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Fourth report of the General Committee (A/63/250/Add.3)

The Acting President (*spoke in French*): In its report the General Committee decided to recommend to the General Assembly that an additional item entitled "The scope and application of the principle of universal jurisdiction" be included in the agenda of the current session under heading F, "Promotion of justice and international law".

May I take it that the General Assembly decides to include this item in the agenda of the current session under heading F?

It was so decided.

The Acting President (*spoke in French*): In subparagraph (b) the General Committee further recommends that the item be considered directly in plenary meeting.

May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The Acting President (*spoke in French*): I should like to inform members that the item entitled "The scope and application of the principle of universal jurisdiction" becomes item 158 on the agenda of the current session.

Ms. Edblom (Sweden): I take the floor on behalf of the European Union to explain our position following the adoption of the recommendation of the General Committee contained in its fourth report (A/63/250/Add.3).

The European Union welcomes the inclusion of the new agenda item, "The scope and application of the principle of universal jurisdiction", in order to enable the General Assembly to consider the draft decision included in document A/63/237/Rev.1. By virtue of the draft decision, the scope and application of universal jurisdiction would be included in the agenda of the sixty-fourth session of the General Assembly with the recommendation that it be considered by the legal experts in the Sixth Committee.

The European Union believes the discussion about universal jurisdiction is first and foremost a legal subject that rightly belongs in the Sixth Committee. We therefore look forward to discussing during this session the draft decision as set out in annex II of document A/63/237/Rev.1.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

09-42785 (E)

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Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Chandra (Sri Lanka): My delegation appreciates the President's initiative in convening this debate. We take note of the report of the Secretary-General (A/63/677), which contains a useful analysis of the various derivatives of paragraphs 138 and 139 of the Outcome Document adopted at the Millennium Summit in 2005 (resolution 60/1). We share the Secretary-General's prudent view that, given the range of views on the subject, further consideration of issues rather than any action is all that the General Assembly can do at this stage on this complex question.

It is also noted that while there has been significant forward movement in seeking to implement the responsibility to protect (R2P), we have made insufficient progress in implementing other equally important provisions of the Outcome Document, such as addressing challenges posed by terrorism, combating transnational crime, tackling climate change and achieving the Millennium Development Goals (MDGs).

Most of these issues are related in many ways to the issue we are discussing today. We therefore share the concerns expressed by the Chair of the Non-Aligned Movement and believe that the General Assembly should clarify all the issues involved first, with a view to developing common ground for implementation action so that any simplistic or loosely selective application of the R2P notion is avoided and discouraged.

In fact, R2P addresses specific issues of State responsibility towards civilians in relation to the four crimes and focuses on preventive measures in this regard. However, these are very broad areas, and it is therefore important for us to clearly define what the triggers for R2P are. Many Member States are particularly sensitive to the way in which this new intervention is to be operationalized. This is born out of the historical experience of many countries that have emerged from centuries of colonial rule.

The thoughtful concept paper by the President of the Assembly takes note of this aspect cogently. These concerns also arise primarily because the focus of R2P is on the internal issues of States and therefore collides with the very basis of the Charter-based international system and its core elements of national sovereignty. As the Secretary-General has pointed out in his report,

> "the worst human tragedies of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor, medium-income and relatively affluent countries". (*A/63/677, para. 6*)

But the issue that arises is that, too often, the finger has been pointed in one direction. A balanced approach is therefore called for. At the summit meeting of the Non-Aligned Movement held in Egypt, the vast majority of the United Nations membership accordingly cautioned all of us to proceed with due attention, bearing in mind the principles of the Charter, especially respect for the sovereignty and territorial integrity of States, non-selectivity, non-interference in the internal affairs of States and respect for fundamental human rights.

A key question is: Who will define a particular situation and determine that it is a candidate for preventive or reactive intervention? How do we define its scope? Given the very broad categorization, there is a need to be clear about its application, in order to allay existing misconceptions about its possible loose misapplication. Is counter-terrorism action to save civilians from a terrorist human shield or a counter-drug-cartel operation to save regional governance a candidate for R2P? How does one select the candidate situation? Who gathers early warning intelligence? What are the means of ensuring that institutional, ideological or even personal prejudices do not creep into early warning analysis, conclusions and recommendations?

We recognize, however, that the provisions in paragraphs 138 and 139 of the Outcome Document are based on and reconfirm pre-existing international norms flowing from the relevant conventions. In fact, we all know that regional groups such as the African Union have already put in place mechanisms to address similar issues. We must therefore seek to encourage those regional initiatives and not undermine them in any way. We should in fact encourage more involvement at the regional level, where there is

greater sensitivity and understanding of the local complexities and therefore greater acceptance all around, facilitating chances of greater success in conflict containment and resolution.

The concept of R2P, once fully debated, clarified and agreed, can be a valuable consensus. However, its application will have to be predicated upon region-specific context and situations, bearing in mind that every region has its own special features and requirements on the basis of history, culture and value systems.

We recognize the useful analysis of the three pillars set out in the report, addressing the four crimes in focus. A key to operationalizing R2P will be devising an acceptable approach to defining the parameters within the categorization where R2P will be applied. It is also pertinent to say that any attempt to broaden the agenda or to legislate for all eventualities in an R2P context would only help to fan existing concerns, whether real or misplaced.

We therefore need to recognize that the State is the cornerstone of R2P. It is only if a State manifestly demonstrates that it is unable to exercise that responsibility and cannot meet its obligations under international law that the international community should assist, with the consent of the democratically elected Government, and play a complementary role.

The Outcome Document refers to diplomatic, humanitarian and other peaceful means. This includes strengthening the capacity of States through economic assistance, rule of law reform, the building of institutions and acts of facilitation when requested. A careful reading of paragraphs 138 and 139 makes it clear that they are not the same as Chapter VII of the Charter, and that there is no automatic trigger for intervention by citing threats to international peace and security. In order to succeed, R2P should be approached as a concept aimed at promoting cooperation for peace and prosperity through consensual preventive measures.

We recognize some of the practical ideas brought out by the Secretary-General to ensure that we give effect to international norms and standards through national legislation, strengthen region-to-region learning processes, create public awareness and lay emphasis on the international responsibility to adhere to these standards. These are good practical measures. As a country that faced the threat of terrorism for nearly three decades, we know from our experience how, for instance, terrorism debases the traditional ethics on which States and societies are founded and seeks to put asunder well-established norms and democratically elected institutions of governance, thereby challenging basic rights and fundamental freedoms long enjoyed by all our people.

Although the three-pillar equation is cogently set out in the report, the possible modalities for implementation and the criteria for non-selective identification of candidate situations could bring about difficult policy choices that the General Assembly should clarify through further deliberations.

There may be situations in which the democratically elected Government of a State seeks to exercise its primary R2P to save its people from a massive hostage situation created by a terrorist group for bargaining purposes by the decisive use of legitimate force. This very action could sometimes be perceived as a potential situation for an R2P intervention, whether preventive or reactive, whereas, ironically, the terrorist action that was the source of the problem should have been the candidate for preventive action.

It is, therefore, of fundamental importance that the elements of the way forward flagged by the Secretary-General should first be examined in greater detail so as to define procedures or instrumentalities that will facilitate consensual partnerships rather than coercive or prescriptive partnerships. It is also important for all Member States to consider whether efforts in this area should be under the oversight of the Secretariat or be under some intergovernmental mechanism.

Member States that have concerns about the operationalization of the Outcome Document do not have a negative attitude towards the concept of R2P. The exercise of R2P is a fundamental obligation of governance, whether at the national, regional or international level. Equally, the misapplication of the concept runs the risk of eroding its credibility and efficacy. As Jorge Heine of the Centre for International Governance Innovation has noted, the concept of R2P is

> "one of the most exciting and innovative notions in international relations and international law today. It has triggered resistance in many countries of the global South precisely because of its potential for misapplication".

The debate on the way forward should therefore eliminate or at least minimize as much as possible any possibilities for such misapplications, as it will be seen not as an exercise in R2P but as an inclination to intervene.

In today's interdependent world, responsible sovereignty must also apply to key issues such as the prohibition of the use of nuclear weapons and other weapons of mass destruction, nuclear disarmament, non-proliferation, counter-terrorism, global warming, biological security and economic prosperity.

These issues pose as great a challenge to the international community's R2P capacity as the four crimes identified in the report. Millions of lives are at stake due to the actions or doctrines of some States that have contributed to the menace of weapons of mass destruction, increasing temperatures on our planet and unwillingness to comply with the international protocols ratified by most States. Reckless doctrines postulating the utility of nuclear weapons promote the global spread and renewal of nuclear weapons, even when the cold war rationale, if there ever was one, has ceased to exist.

These issues have been kept out of the present scope of R2P, but they become relevant to the larger issue of the responsible exercise of sovereignty that needs to be factored in to understand the challenges that States are confronted with while, at the same time, being cognizant of their international obligations. It is important that we freely discuss those issues here in the Assembly and ask ourselves whether R2P can be applied fairly.

The mechanisms for implementing R2P also need to be agreed upon, and that will depend on the confidence that Member States have in endorsing them. We believe that the General Assembly is the central body at the global level to debate, clarify and agree on a way forward before we begin to make progress on modalities to implement this concept, entailing broader participation.

Mr. Davies (Sierra Leone): Let me start by thanking the President of the General Assembly for bringing us together to consider the issue of the responsibility to protect (R2P). The debate on this issue is of paramount importance to my delegation and, in that regard, I would also like to express my delegation's gratitude to the Secretary-General for his report, contained in document A/63/677. Clearly, this first-ever report on the implementation of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), adopted in September 2005, is, in the view of my delegation, very profound and instructive, and thus provides a sound basis for the comprehensive consideration of the very important subject before us.

By the same token, my sincere appreciation goes to the four distinguished panellists in our informal dialogue on 23 July, whose insights were not only very helpful, but also thought-provoking. They have certainly set the stage for a constructive scheme for galvanizing our thoughts and perspectives on this issue, with a view to clarifying all grey areas and to defining common ground to ensure adherence to, and the universal application of, the responsibility of States to individually and collectively protect populations against mass atrocity crimes, such as genocide, ethnic cleansing, war crimes and crimes against humanity.

Indeed, my delegation's position on the issue of the responsibility to protect is very clear. It is grounded in both our national experience and our continental stand on the principle. As a nation that barely stepped back from the brink of collapse into a failed State as a result of the rebellion led by the Revolutionary United Front (RUF) rebellion, which also had an international dimension, we are determined to ensure that the atrocities, devastation and pillage that affected us for almost 11 years should henceforth not be allowed to be a predicament for any member of the international community.

Our survival could not have materialized without the support and commitment of, and sacrifices by, the international community, notably the Economic Community of West African States, the African Union (AU), the Commonwealth and the United Nations, including bilateral partners such as the United Kingdom and Nigeria, among others, to restore sanity and to bring to an end the humanitarian situation caused by the terrible crimes committed against hapless civilians throughout the country.

Perhaps one of the telling moments that inspired the foresight of the former Canadian Foreign Minister, Lloyd Axworthy, to seek to convene an independent International Commission on Intervention and State Sovereignty, with a view to developing normative standards around States' responsibility to protect civilian populations against genocide, ethnic cleansing,

war crimes and crimes against humanity, was his visit to the amputee camp at Murray Town, in the west end of Freetown, in April 2000.

I was present during that visit in my then capacity as Deputy Chief of Protocol and can confirm that he, like everyone who joined him on that visit, was visibly shaken by the sight of a young suckling mother of eight children, both of whose legs had been savagely amputated thigh-high, along with both arms. The gruelling fate of that lady and several thousands more amputee compatriots and more than half a generation of the nation's children abducted from schools to become killing machines and sex slaves leaves us with no option but to join the campaign of "never again" and to fight impunity whenever mass atrocity crimes are being perpetrated.

The ongoing trial at the Special Court for Sierra Leone involving the former President of Liberia for his alleged role in perpetuating the carnage, as well as the trials of the commanders of the civil defence militia who supported the return of the democratically elected Government of former President Ahmad Tejan Kabbah and the rebel RUF for serious violations of international humanitarian law, are being conducted in that regard.

In the interest of time, I will spare this body from boredom by not reiterating the shift from the Organization of African Unity policy of non-interference in the internal affairs of other member States to the principle of its successor, the African Union, of non-indifference with respect to grave atrocities, such as war crimes, genocide and crimes against humanity, captured in article 4 (h) of its Constitutive Act. It is needless to emphasize that that development preceded the adoption of the World Summit Outcome Document (resolution 60/1) by five years.

Consequently, the Secretary-General, as in previous reports, including the one under review (A/63/677), acknowledged that bold step by the African Union and has constantly called for the effort to be enhanced and supported. Thus, the full and speedy implementation of General Assembly resolutions on cooperation between the African Union and the United Nations will undoubtedly enhance the implementation of the R2P principle at the regional and subregional levels. Well established and well developed mechanisms, such as the Peace and Security Council, to advise on the parameters for intervention, as well as the Continental Early Warning System, the AU consultative Panel of the Wise and the building of a 15,000-to-20,000-strong African Standby Force, are the most effective ways of enhancing the continent's capacity to address African problems at the subregional level.

It is in that respect that my delegation warmly salutes Mr. D'Escoto Brockmann's bold decision to introduce and include this item on the agenda and thus to afford the General Assembly this maiden opportunity for Member States to engage in intensive debate on this issue since its adoption in 2005. This was long overdue, but better late than never.

The Secretary-General's report clearly outlines the three pillars that underlie the principle of the responsibility to protect, namely, the protection responsibilities of the State, international assistance and capacity-building and timely and decisive response. At the core of this principle is the commitment of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and from their incitement, along with the commitment of the international community to assist through building and enhancing the capacity of those States that are not meeting their obligations. It further prescribes the collective obligation to ensure a timely and decisive response when States are unable or unwilling to provide such protection.

History being replete with a promise of commitment to "never again", we believe that such occurrences should be addressed by a solid commitment to promoting and advancing preventive measures at both the national and the international levels, instead of waiting to apply pillar three when the situation gets out of hand.

In most cases, non-State actors commit these atrocities, especially where States are saddled with serious social and economic crises. How else could the United Nations question its own raison d'être and Charter obligation in addressing these circumstances? Clearly there must have been some unwarranted enthusiasm to fast-track the process, leading to genuine apprehension. Certainly, lessons are being learned. The truth, however, is that there is a consensus ad idem on our definition of the four elements.

In conclusion, it is the view of my delegation that the fears and reservations so clearly articulated on the

third pillar, justified though they may be, could be resolved by putting proper guidance and modalities in place, buttressed by the institutional reform of the United Nations advocated by our world leaders in 2005, which we believe will make it user-friendly. Declaring Sierra Leone to be one of the friends of R2P can be fully explained by the country's experience, and we are extremely grateful to the international community for their timely intervention.

Mr. Wolfe (Jamaica): I have the honour to speak on behalf of the 14 States members of the Caribbean Community (CARICOM), namely, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and my own country, Jamaica. The States members of CARICOM associate themselves with the statement delivered by the representative of Egypt on behalf of the Non-Aligned Movement.

CARICOM expresses its appreciation to the Secretary-General for his report on the implementation of the responsibility to protect (R2P), which is contained in document A/63/677. The report, which has been produced pursuant to paragraphs 138 to 140 of the 2005 World Summit Outcome Document (resolution 60/1), offers a clear and useful elaboration of the concept of R2P and possible proposals for continued discussion and follow-up action.

It should be recalled that one of the major purposes of the creation of the United Nations was to save succeeding generations from the scourge of war, which had ravaged populations around the world, primarily between 1939 and 1945. Regrettably, after more than 60 years, the international community still has to grapple with the consequences of that scourge, which is still with us, as witnessed in Kosovo, Rwanda and Srebrenica. While in recent times the debilitating results of conflicts have been experienced less in inter-State wars, the United Nations must seek every possible way to confront intra-State conflicts and prevent their escalation into large-scale atrocities.

It should not be forgotten that it was only towards the end of the twentieth century that the odious system of apartheid and institutionalized racism was declared a crime against humanity by the United Nations and subsequently brought to an unceremonious end.

Due to our historical links with slavery and the transatlantic slave trade and our natural kinship with the people of the African continent, many of whom lost their lives as a result of genocide, ethnic cleansing and other mass atrocities, CARICOM naturally supports any action that seeks to galvanize efforts towards saving and protecting human life.

The 2005 World Summit was an occasion on which the leaders of the world engaged in a review of the Organization with a view to its reform, to enable it to become more relevant and effective in assisting nations in addressing the key global issues of peace, security and development. This included a reflection on the inability of the Organization to save human lives. And on that occasion, leaders resolved that they would seek to prevent such atrocities in the future.

The thematic debate in which we are currently engaged is important, given the implications of R2P for the United Nations Charter, international humanitarian law and international law more generally, especially as this relates to State sovereignty and non-interference in the internal affairs of States, issues that are undergoing careful consideration in many of the capitals of States members of this body, even as we seek to buttress international consensus around the concept.

On the specific contents of the report, let me reiterate first and foremost that CARICOM supports the view, previously expressed by a number of other States, that the scope of R2P should be confined to the four crimes agreed by world leaders in 2005, namely, genocide, war crimes, ethnic cleansing and crimes against humanity.

Pillars one and two represent general principles around which the international community, including CARICOM, can reach consensus. CARICOM member States are guided by the fundamental principle that all States have an inherent obligation to promote, protect and enhance the fundamental rights of all their citizens. While emphasizing this point, we are also fully cognizant of certain historical and political developments that resulted in deep divisions that continue to plague many societies today. It is in this regard that we agree with the Secretary-General that prevention is a key element for a successful R2P strategy, and we believe that greater international engagement can be critical in signalling situations that could develop into such serious crimes.

The General Assembly, through its various mandates, has committed itself to promoting capacity-building. While we appreciate and applaud some of the efforts and initiatives being undertaken by a number of agencies within the United Nations system, a much more coherent, focused and intensive approach is required by the Secretariat, international agencies and institutions, in building such capacity and facilitating the implementation of mandates.

With respect to pillar three, which underlines the responsibility of Member States to respond collectively in cases where any of the four R2P crimes are being committed or are at risk of being committed, any use of military force should be an act of absolute last resort for this Organization; all peaceful means at the disposal of the Secretary-General and the Organization should be fully and comprehensively utilized.

Close scrutiny of pillar three has given rise to several questions, including: At what stage and under which circumstances will the Security Council be authorized to take action under Chapter VII of the Charter, including authorizing the use of force? There has to be uniform application of whatever principles are developed in order to avoid selectivity and unfair treatment of any particular Member State. While under Article 24 of the Charter the Security Council acts on behalf of the General Assembly, would it be subject to guidance from the Assembly in cases where the Council acts under Chapter VII?

How can we guarantee that the Security Council will refrain from the use of the veto and will not be stymied into inaction in future cases where crimes of genocide, ethnic cleansing, war crimes and crimes against humanity have occurred, are occurring or are on the brink of occurring? This is one area where urgent reform of the Security Council is required and around which virtual unanimity exists.

Indeed, CARICOM countries believe that a reformed Security Council is an important precondition for the implementation of pillar three. In our view, this will help to build confidence, on the part of all Member States and the wider international community, that the Security Council will be the type of impartial body that would be required to play an important role in the implementation of R2P.

In closing, CARICOM member States wish to underline that, notwithstanding our current efforts to achieve consensus around the concept of R2P, existing international law bestows on all of us the responsibility to prevent the crime of genocide, war crimes, ethnic cleansing and other mass atrocities from befalling the peoples of the world. As we seek to move forward on R2P, let us also renew our commitments to these binding principles.

Mr. Minn (Myanmar): At the outset, my delegation wishes to thank the Secretary-General for his report on implementing the responsibility to protect (R2P) (A/63/677). Taken together with his presentation at our 96th meeting, on 21 July, his report outlines the scope of the specific activities that may need to be discussed during the debate. We are confident that effective prevention of or response to genocide, war crimes, ethnic cleansing and crimes against humanity can thereby be ensured.

The concept of the responsibility to protect originated in tragedies that occurred throughout the world after the Second World War. Those tragedies occurred in States whose Governments failed to fulfil the obligation to protect their own people. Therefore, at the 2005 World Summit, world leaders agreed that when a State is manifestly failing to protect its own citizens, the international community must act to halt or prevent such atrocities. They also agreed that that is a collective obligation, not an individual right to act, and that the obligation is not to intervene, but rather to take timely and decisive steps to save human lives when such atrocities have occurred. It was envisaged that the international community is obligated to act in the event of four specific crimes and violations. In accordance with the leaders' decision in 2005, that obligation does not apply to other calamities, such as HIV/AIDS, climate change or the response to natural disasters.

The Secretary-General rightly noted in his report and in his presentation that R2P has a clearly delimited scope. The norm cannot be used to address all social ills, but rather is narrowly focused on the prevention of the four specific crimes and violations. While prevention is at the heart of the R2P concept, States may invoke R2P as a rationale for the intervention of the international community when prevention fails. Thus, the Secretary-General suggested in his report that the General Assembly focus on ways to develop the strategy for implementing R2P, defining what should and should not be protected. In that context, my delegation wishes to express our view that the General Assembly is indeed the right venue for such a dialogue.

Finally, in his report the Secretary-General underscores that all Member States that are serious about preventing atrocities should avoid any effort to renegotiate a text already agreed by world leaders in 2005. Therefore, my delegation would like to state that we fully agree with the Secretary-General that it is now important that the General Assembly consider proposals and determine how the United Nations can fulfil the commitments made by world leaders in 2005.

Mr. Tašovski (The former Yugoslav Republic of Macedonia): At the outset, I would like to thank the President of the General Assembly for convening this meeting on the responsibility to protect (R2P). I would also like to thank the Secretary-General for presenting his report on implementing the responsibility to protect (A/63/677) and to welcome this timely debate as a first step in commencing a dialogue on that topic in the General Assembly.

My country aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union.

The unanimous endorsement of the responsibility to protect was hailed as one of the most important achievements of the 2005 World Summit. In order to address the most serious crimes, the international community made a reinforced commitment to prevent or halt genocide, war crimes and crimes against humanity and ethnic cleansing. In that regard, I take this opportunity to reaffirm the support for the concept reflected in paragraphs 138 and 139 of the World Summit Outcome Document (resolution 60/1).

Over the past three years, a number of actions have been taken by Governments, the United Nations and international, regional and non-governmental organizations in support of the responsibility to protect. Yet much remains to be done. In that regard, I would like to commend the first report of the Secretary-General on implementing the responsibility to protect (A/63/677), which outlines the conceptual framework for and a three-pillar approach to implementing R2P, comprising the protection responsibilities of the State, international assistance and capacity-building, and timely and decisive response. My Government considers the report to be balanced and pragmatic and therefore supports the three-pillar approach as outlined. We agree that the focus should now be on its operationalization and the implementation of its recommendations.

My Government is ready to contribute to the efforts that lie ahead. We are prepared to implement national capacities and policies critical to the implementation of R2P, which applies specifically to genocide, war crimes, ethnic cleansing and crimes against humanity. At the same time, we recognize that R2P is derived from the positive notion of "sovereignty as responsibility", which enhances sovereignty by acknowledging that we, as Governments, have humanitarian, human rights and other obligations under international law to protect populations from grave crimes.

Furthermore, we consider prevention to be a critical component of R2P. In that regard, capacity-building should be a key element. However, in cases in which prevention efforts fail, the international community should ensure an early and flexible response, not through graduated measures, but through collective action to be taken by the Security Council in accordance with Chapter VII of the United Nations Charter.

We believe that the General Assembly should continue to make important contributions in order to make further progress in the pursuit of international peace and security. Looking forward, we must strengthen the international machinery and our own national will to ensure that the failures to protect in recent decades will not be repeated.

By adopting the right to protect, all of us have accepted a new tool for peace. It is time to put that tool to use and to attain the first objectives set out in the Preamble of the United Nations Charter.

Mr. Mlynár (Slovakia): At the outset, I would like to express my delegation's appreciation for the convening of this General Assembly debate on the first report of the Secretary-General on implementing the responsibility to protect (A/63/677). This debate is very important and timely.

My statement fully associates itself with the statement delivered earlier by the Permanent Representative of Sweden on behalf of the European Union. We would like to contribute to this debate by making a few additional key points in our national capacity.

The responsibility to protect is one of the most important achievements of the 2005 World Summit. Slovakia is among the strong supporters of the

responsibility to protect as an important principle seeking to ensure that Member States and the international community never again fail to protect human beings from the worst crimes: genocide, war crimes, ethnic cleansing and crimes against humanity.

In that context, we very much welcome the Secretary-General's report, which we consider an excellent basis for our further work, as it provides a clear focus and suggests meaningful and achievable goals. We believe that not enough has been done so far — including since 2005 — in promoting and enhancing the concept of the responsibility to protect. Four years after our leaders unanimously endorsed the concept, we need to redouble our efforts in order to achieve tangible results related to all three pillars as described in the report.

Even though the core underlying idea that States have an obligation to protect men, women and children from the worst atrocities is well established in international human rights and humanitarian law, the international community, through the concept of the responsibility to protect, accepted for the first time the collective responsibility to act should States fail to protect civilians from mass-atrocity crimes.

Slovakia is fully committed to all three pillars of the implementation of the responsibility to protect and attaches equal importance to all of them. The primary responsibility for protecting their populations lies with States. States should receive assistance, as necessary, from the international community to ensure that they can fulfil their responsibility. But if States are manifestly failing to protect their populations from the four types of crimes, the international community must act in a timely and effective manner.

We look forward to continuing to work together with all other Member States on practical steps that the United Nations can take, in particular in operationalizing and implementing the responsibility to protect in relation to the three pillars at the national, regional and international levels.

Slovakia has always been supportive of the inclusion of references to the responsibility to protect in all relevant decisions of United Nations organs, including during our membership in the Security Council in 2006 and 2007. Systematic, flagrant and widespread violations of international humanitarian law and international humanitarian rights law require our constant attention. This also includes the incitement of genocide, crimes against humanity, ethnic cleansing and war crimes, which should be referred to the International Criminal Court under the Rome Statute.

In addition, we need to make appropriate use of all existing United Nations mechanisms and legal instruments, including the Human Rights Council, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Special Adviser on the Prevention of Genocide. All of them have important roles to play in the overall implementation of the responsibility to protect.

Slovakia feels very strongly about the importance of prevention and early warning, as well as of timely and effective crisis management. In that context, we very much welcome the recent efforts within the United Nations system to strengthen and enhance its capacities in such areas as preventive diplomacy, mediation, the pacific settlement of disputes and the good offices of the Secretary-General. We ourselves are actively engaged in those areas, nationally and as a member State of the European Union, and we will continue to support the United Nations Secretariat in those crucial endeavours.

With regard to crisis management, post-conflict reconstruction and stabilization efforts, as well as institution-building and good governance, security sector reform (SSR) comes to mind as a crucial component of those processes. As the initiator and chair of the United Nations Group of Friends on security sector reform, Slovakia remains committed to promoting further capacity-building for SSR within the United Nations system in order to enable it to respond in a timely and effective manner to the needs of Member States in that important area. The Group of Friends will continue to serve as an important interface between Member States and the United Nations system, represented by the United Nations inter-agency Security Sector Reform Task Force.

We are also committed to further promoting close cooperation and effective partnerships between the United Nations and its regional and subregional partners, in particular the African Union and the European Union, in accordance with Chapter VIII of the United Nations Charter. The Organization's regional and subregional partners have at their disposal unique experience related to their regions, their capacities and their legitimacy. The efforts of the

United Nations and of regional and subregional organizations should be mutually reinforcing and well coordinated.

Slovakia will continue working with other Member States to that end, consistently and tirelessly. As has already been stated by many previous speakers, our common goal should be to ensure that genocide, war crimes, ethnic cleansing and crimes against humanity never occur again. We owe it to the victims and survivors of the Holocaust, Cambodia, Rwanda and Srebrenica to do so.

Mr. Al Habib (Islamic Republic of Iran): My delegation would like to express its appreciation to the President of the General Assembly for having convened this thematic debate on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We believe it is necessary to continue to consider this complicated issue and its implications, bearing in mind the principles of the Charter and international law, as expressed in paragraph 139 of the 2005 World Summit Outcome Document (resolution 60/1). Our appreciation goes also to the Secretary-General for introducing his report (A/63/677) at our 96th meeting, on 21 July 2009. Let me also recognize the well-thought-out concept paper on the responsibility to protect distributed by the President of the General Assembly.

My delegation supports the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

I would like to state that the Islamic Republic of Iran fully shares the sentiment that the international community must be vigilant lest the horrors of the mass killings and genocide of the past be repeated in the future. That is a message clearly expressed by world leaders in 2005, as documented in the World Summit Outcome Document.

While there is still a lot to be discussed and clarified about the very notion of the responsibility to protect and its definition, limits, scope and possible implications, examining this abstract concept in practical terms may put it in better perspective and help to make it more concrete. Hence, discussions of the Secretary-General's report should not be divorced from discussions of the concept itself and its political and legal implications. After all, looking forward should not prevent us from looking back and reminding ourselves of the lessons of history.

Having said that, my delegation would like to make a few preliminary observations concerning the notion of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

First, it goes without saying that it is the obligation and prerogative of any State to defend its own people against aggression and protect them from genocide, war crimes, ethnic cleansing and crimes against humanity. Every State will embrace this responsibility. Other States or the international community at large may step in to help upon request on a case-by-case basis and through the United Nations. This by no means whatsoever may imply permission to use force against another State under any pretext, such as humanitarian intervention. Any attempt to pseudo-legalize such forms of intervention would seriously undermine the well-established principles of international law and pave the way for all manner of politically motivated interventions in other countries under the guise of humanitarian intervention. In fact, the controversy is centred on the implied authorization of the use of force that this notion entails. I am sure that no one would like to turn the clock back to the time when theories of just war prevailed.

Secondly, the Charter of the United Nations is explicitly clear on the general prohibition of the threat or use of force in international relations between States, as embodied in paragraph 4 of Article 2 of the Charter. Self-defence against prior armed attack, as recognized under Article 51 of the Charter, is the only exception to this general peremptory rule of international law.

The Security Council can take action, too, in accordance with the purposes and principles of the Charter, when it determines a threat to international peace and security, a breach of the peace or an act of aggression. The World Summit itself reaffirmed in paragraph 79 of the Outcome that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security. The Summit, then, granted no new right of intervention to individual States or regional alliances on any grounds.

Decades before that, the International Court of Justice had warned against such interventionist policies, when in a unanimous vote in 1949, it articulated that:

> "The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the defects in international organization, find a place in international law ... From the nature of things, [intervention] would be reserved for the most powerful States, and might easily lead to perverting the administration of justice itself." (*International Court of Justice, The Corfu Channel Case, Merits, judgment of 9 April 1949, page 35*)

Thirdly, the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as a humanitarian notion should not, then, be misused or indeed abused to erode the principle of sovereignty and undermine the territorial integrity and political independence of States or intervene in their internal affairs. States need to be highly alert against any ad hoc interpretation of this rather vague notion to destabilize the Charter-sanctioned principles of international law, particularly respect for the sovereignty, territorial integrity and political independence of States and the principle of non-use of force in international relations and non-interference.

The Secretary-General himself acknowledges the danger of misusing this notion for inappropriate purposes. That authenticates the concern of many Member States that have long warned against political manipulation of new and loose concepts, as well as against selective application and double standards in invoking them.

Fourthly, there is no illusion that tragic cases of genocide, crimes against humanity and outrageous acts of aggression have been left unanswered not because of a lack of empowering legal norms, but simply due to a lack of political will dictated by power politics — that is, political and strategic considerations — on the part of certain major Powers permanently seated in the Security Council. We experienced the bitter consequences of the United Nations failure to stop the aggressor during the eight years of war imposed by Saddam's regime. We have also witnessed the repeated failure of the Council to live up to its responsibility and to take appropriate action against the Israeli regime's continuous aggression and mass atrocities in the occupied Palestinian territories and in neighbouring countries.

Fifthly, therefore, the key to preventing and suppressing such grave crimes in the future would be to faithfully implement the United Nations Charter, avoid selectivity and double standards, and accelerate the reform process with the aim of remedying the deficiencies that have resulted in the failure of the whole United Nations system to act where action was needed. It would simply be a distortion of the truth to blame the principle of sovereignty for the inaction or dysfunction of the United Nations system.

Sixthly, we fully agree with the many delegations that stressed that the notion of the responsibility to protect must be limited to the four grave crimes identified in paragraphs 138 and 139 of the 2005 World Summit Outcome, subject to the terms and qualifications identified and laid out therein. Any attempt to apply this notion to other situations would only render it more complicated and blurred. Needless to say, paragraphs 138 and 139 should be read and understood in the context of the Document in its totality. Here, I would like to also highlight the imperative of identifying and addressing the wide range of economic and political root causes that underlie or contribute to mass atrocities. Aggression and foreign occupation, foreign interference and meddling, poverty, underdevelopment and exclusion are among the main such causes, to name a few.

Finally, we support the continuation of the General Assembly's dialogue on the responsibility to protect in a transparent and inclusive manner in order to address the concerns and questions concerning this notion and its implications.

Mr. Margelov (Russian Federation) (*spoke in Russian*): I would like to thank the Secretary-General for his contribution to the consideration of the conceptual basis of the responsibility of States to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and for his report on this subject, entitled "Implementing the responsibility to protect" (A/63/677). Drafting such an important document on that issue undoubtedly called not only for significant intellectual effort, but also for a degree of courage, because we are talking here about one of the most important issues of our time, on which there is quite a broad diversity of opinion.

The Russian Federation advocates pursuing comprehensive work on the concept of the responsibility to protect. In that regard, we are guided

first and foremost by the provisions of the relevant paragraph of the 2005 World Summit Outcome (resolution 60/1). In our view, it is very clear and plain. Its wording is in line with the provisions of the United Nations Charter and other norms and principles of international law.

We believe that the initial responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity lies with States. States should constantly strengthen and expand their own means to uphold that responsibility. We agree with the Secretary-General's opinion on the importance of States' "self-reflection" in that area.

In our opinion, the role of international community should, in the first instance, focus on providing comprehensive assistance to States in strengthening their own capacity and on preventive diplomacy. In that context, we support the mission of the Special Adviser to the Secretary-General on the Prevention of Genocide. We agree that timely reaction on the part of the United Nations can help to avert mass loss of life.

As regards the situation when peaceful means prove to be inadequate and the State is manifestly not in a position to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, any intervention by the international community should be of an exceptional nature and fully compliant with international law, in particular the United Nations Charter.

The concept of the responsibility to protect has enormous potential for change. Its development and implementation could significantly shape key trends that will determine the future of the entire system of international relations and the international rule of law. That is precisely why we are convinced that we should be measured and cautious in addressing any idea regarding implementation of the authoritative and relevant ideas of the 2005 World Summit Outcome document on the responsibility to protect. We warn against taking rash and hasty steps to apply that idea arbitrarily to specific countries and against interpreting it too broadly. That is not only counterproductive, but also dangerous in terms of harnessing international efforts to promote international peace and security.

The Secretary-General's proposals on instruments and procedures to implement the responsibility to protect are of interest. However, in our opinion, the conditions for turning those ideas into practical mechanisms and institutions have not yet been met. We consider that the proposed strategy for implementing the responsibility to protect should focus on broad recognition of that concept in clear and understandable terms. However, such recognition does not seem possible to us without further in-depth work on its main elements in the light of the principles and purposes of the United Nations Charter. An important step in that area was taken with the approval of paragraphs 138, 139 and 140 of the 2005 World Summit Outcome. However, that work is far from complete.

Today's outline on the responsibility to protect has been formulated within the United Nations. We believe that the Organization should remain the central forum for discussing this issue.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): The delegation of Nicaragua endorses the statement made by the representative of Egypt on behalf of the Non-Aligned Movement (see A/63/PV.97). We thank the President of the General Assembly for having convened this meeting.

As we all know, as a result of inter-ethnic conflicts that led to genocide and ethnic cleansing in certain places in the world, circumstances began to emerge in favour of the possibility of framing what has come to be called the responsibility to protect.

At the 2005 Summit, the heads of State and Government committed themselves once again to protecting the interests and rights of their citizens, emphasizing the need for the General Assembly to continue considering the responsibility to protect populations that are or could be victims of genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the Charter and international law. It is very clear that there is no legally binding obligation and that the General Assembly will be the body entrusted with developing and drawing up a legal basis, by virtue of its responsibility under the Charter.

The responsibility to protect is a very new topic, acknowledged by Member States only so that they might continue discussing it. It was introduced as a concept, and the topic will have to go on being discussed until consensus among Member States is reached.

The delegation of Nicaragua reaffirms the principles of the United Nations Charter, the most important and universal instrument. Developing the concept that we are discussing today must be considered more carefully since, as was established in the 2005 Outcome document (resolution 60/1) and the report of the Secretary-General before us (A/63/677), it could easily become a right to intervene, the consequences of which we small countries have suffered on several occasions. History has much to teach us in that regard, and anyone who tries to deny history could have other intentions.

The concept in its current iteration is ambiguous and easily manipulated, set out in a single resolution of the General Assembly whose legal force is that of a recommendation under Article 10 of the Charter. The concept, which allows for the possibility of the use of force, could run counter to well-established principles in the Charter, such as non-intervention in the internal affairs of States and the non-use of force in international relations. We wonder how to view the claim that there is a right to the responsibility to protect and to delegate the authority of implementing it to the Security Council — in other words, to the five permanent member States.

Genuine and interdependent economic cooperation in an enabling international environment can do more to avert situations of genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, urgent reform of the international economic environment is needed, starting with the Bretton Woods institutions.

For my country, the general principles of the responsibility to protect agreed in 2005 are not controversial. What concerns us is how to interpret those principles and their potentially selective implementation. The concept cannot be placed above the sovereignty of States or the United Nations Charter. Relevant organs, such as the Human Rights Council and the Peacebuilding Commission, already exist, and we believe that they must be strengthened in that regard.

Mr. Pálsson (Iceland): The elements of the concept of the responsibility to protect (R2P) may be neither new nor original, but the acknowledgement by world leaders in 2005 that they had a responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity certainly did mark a new departure for the United Nations.

Four years on, the time has come to start making good on the commitments undertaken at the Summit. Therefore, I take this opportunity to thank the Secretary-General for his timely and well-balanced report (A/63/677) and fully subscribe to his view that our task now is not to renegotiate the conclusions of the World Summit, but to look for ways of implementing its decisions in a truthful and consistent manner.

The three-pillar approach laid out by the Secretary-General is clearly derived from the provisions of the World Summit Outcome (resolution 60/1) and provides the right framework for our ongoing work.

The first pillar, the sovereign responsibility of the State to protect its populations from the four identified kinds of atrocities, is the very foundation of R2P, emphasizing as it does the indisputable principle of State sovereignty while also highlighting that State sovereignty entails responsibility. The second pillar is similarly paramount, as it addresses the commitment of the international community to providing assistance to States in fulfilling their basic obligations in safeguarding their populations. Both pillars underscore the importance of prevention as an element of R2P, going hand in hand with early warning and assessment.

As is emphasized by the Secretary-General in his report, peaceful means should always be the preferred course of action, and coercive measures, particularly those undertaken under Chapter VII of the United Nations Charter, should remain an option of last resort. Hence, the third pillar delineates the responsibility of the international community to act in a timely and decisive manner, in accordance with the Charter, on a case-by-case basis and in cooperation with relevant regional organizations, if a State is manifestly failing to protect its people from genocide, ethnic cleansing, war crimes and crimes against humanity.

These are substantial qualifiers, but let us at all times bear in mind that the concept of R2P is essentially about saving human lives. It should not become licence for illegitimate or arbitrary interference or aggression. Quite the contrary, R2P must be seen as a means of reinforcing legality in international affairs and as a way of shoring up respect for the international system embodied in the United Nations. For this reason, my delegation fully supports giving the General Assembly a leading role in fashioning an

effective international response to crimes and atrocities relevant to R2P.

Ms. Toutkhalian (Armenia): Armenia welcomes the opportunity to exchange views on concrete steps and means to further strengthen the early warning mechanisms that will enable the international community to react more efficiently to situations that could lead to genocide, war crimes and crimes against humanity. The principles of the prevention of genocide and the responsibility to protect are the key principles that constitute the very essence of this joint endeavour, and the United Nations system has a great opportunity to demonstrate its ability to act in a timely manner to prevent tragedies and destruction.

We welcome the report of the Secretary-General on implementing the responsibility to protect (A/63/677). The report undertakes to chart a course for the United Nations to prevent genocide, war crimes and ethnic cleansing by bolstering the capacities of the Secretary-General's Special Adviser on the Prevention of Genocide and combining his activities with those of his Special Adviser on the Responsibility to Protect. We appreciate the significant work that has already been done in fortifying the capacities of the Special Adviser on the Prevention of Genocide. In particular, we believe that by developing the eight-point framework of analysis, which will help to detect situations that are infused with a dangerous probability of resulting in genocide, the Office of the Special Adviser has taken an important step forward in identifying these universally accepted guiding principles.

Human Rights Council resolution 7/25 is aimed at consolidating the functions of the existing United Nations human rights protection mechanisms for prevention, linking the mandate of the Special Adviser on the Prevention of Genocide with the United Nations human rights system as a whole. It is very important to find the right balance and synergies among these functions and to allow the United Nations system to respond promptly and efficiently to alarming situations.

As rightly stated in the Secretary-General's report, genocide, war crimes and crimes against humanity do not just happen. Prior to undertaking such action, the instigators propagate intolerance and hatred, setting the stage for violence. Some groups of the population are labelled terrorists, secessionists or criminals. Hate speech, the vilification of a certain group in the media, and denials of past genocides and atrocities constitute the ideological part of exclusionary policies. They are inevitably accompanied by the violation of the fundamental rights of the targeted group, such as denial of their freedom of speech, press and assembly and, ultimately, political marginalization. In order to justify their actions, the perpetrators alienate the group by devaluing or demonizing its members.

In this respect, we would like to underline in particular the importance and necessity of training, learning and education programmes, which in our view can contribute significantly to strengthening the State's capacity to protect. We strongly believe that an educational process that employs textbook materials and open dialogue between different groups can help to overcome intolerance, bigotry and exclusion, thus developing a self-correcting mechanism to ease potential tensions.

The international community must be vigilant concerning the development of situations and events where the actual legitimization and institutionalization of genocide and crimes against humanity are starting to take place in a given society. In this regard, as emphasized by many genocide scholars, the position of bystanders is very important. A passive stance on the part of lenient internal and external observers, most often prompted by political expediency in the case of the latter, encourages the perpetrators. Passivity towards policies of denial and revisions of history that tend to demonize the victims is also a contributing factor in the development of genocidal behaviour.

An early and strong reaction by the international community to systematic and egregious violations of human rights, especially of collective rights, and alarms raised by treaty bodies on the reluctance of member States to implement human rights commitments could become a deterrent and inhibit the evolution of a potentially dangerous situation towards genocide, war crimes and crimes against humanity.

In conclusion, I would like to stress that we strongly believe that the responsibility to protect people is one of the cornerstones of the overall human security system. The time has come to take decisive steps to eliminate, once and for all, the very possibility of crimes against humanity.

Mr. Santos (Timor-Leste): At the outset, let me join many other delegations in expressing my deep appreciation to the President of the General Assembly for having convened these plenary meetings on the responsibility to protect (R2P). We also appreciate the informal thematic dialogue held on this issue.

My delegation welcomes the opportunity to discuss the outstanding report of the Secretary-General on how to operationalize and move forward the implementation, within the United Nations, of R2P (A/63/677). Undoubtedly, the report provides an excellent opportunity to reach consensus on the overall direction of its implementation.

We strongly support the three-pillar approach set forth in the Secretary-General's report. It is our conviction that this approach is a step in the right direction, that all three pillars are integral parts of the concept as such and that R2P is a narrow but deep concept requiring the application of a broad range of existing approaches and instruments.

Four years ago, our heads of State or Government unanimously and enduringly adopted R2P. It was one of the most important achievements of the 2005 World Summit and was endorsed by the largest-ever assembly of world leaders.

Within a year, in 2006, my own country was seriously confronted with the question of how to put R2P into practice. A political and security crisis in early 2006 led to widespread ethnic and gang violence, resulting in a number of killings, division and hostility between the police and military, the resignation of the then-Prime Minister, and the displacement of more than 100,000 people. It almost led to the collapse of the State. The turmoil escalated into Timor-Leste's worst violence since 1999, when anti-independence Timorese militias commenced a punitive scorched-earth campaign immediately after the United Nations-supervised referendum on separation from Indonesia.

The Timor-Leste Government called for assistance. An official request for military assistance was sent to the Governments of Australia, New Zealand, Malaysia and Portugal. The international community stepped in and collectively took timely and decisive action by going in and assisting Timor-Leste to quell the violence and thereby protect the population. Most important, it supported Timor-Leste in the exercise of its responsibility to protect its people.

For the Timorese, asking for help from the international community was an exercise in responsible State sovereignty. We did not feel uneasy or have mixed feelings, nor were we apprehensive about its ramifications; we believed — and still believe — in it. The request was jointly made by the State's three major institutions: the President, the Prime Minister and the President of the national parliament. It demonstrated our belief that we had a legal and moral obligation to protect our people and that Timor-Leste alone could not prevent widespread violence.

The intervention was successful. The key was an early and flexible response tailored to the specific needs of Timor-Leste. It was followed by a new, expanded Security Council peacekeeping mission tasked with consolidating stability, enhancing a culture of democratic governance and facilitating dialogue among Timorese stakeholders.

Allow me to turn my attention to the second pillar of R2P, which is the commitment of the international community to assist States. This pillar sets forth the conviction that if the State is willing to implement R2P but lacks the capacity to do so, international assistance can play a critical role. We attach great importance to this pillar and therefore are grateful for the Secretary-General's emphasis on the need to assist States rather than just waiting for them to fail.

In my own country, the international community increased international cooperation and funding in the areas of capacity-building, institution-building, technical assistance in judicial and security sector reform, local mediation and conflict resolution capacities, good governance and rule of law. These were, and are, key areas for strengthening Timor-Leste's ability to protect and for restoring order and confidence. This has helped us to prevent manifest risks from developing and to build State capacity to act before any further possible risk can deteriorate into crisis.

My country has come a long way since the dark days of the 2006 crisis, thanks to the dedicated efforts of our leaders and also to the commitment of all of the social and political forces in the country. We are now in a position where we can address the long-term challenges to ensuring that Timor-Leste is a prosperous, peaceful and democratic nation.

In the three short years since the 2006 crisis, people have regained trust and confidence in the organs

and institutions of the State. Democratic and fair elections were held free of violence. Peace and stability has been consolidated through national dialogue and reconciliation initiatives. The rule of law has been strengthened and a culture of democratic governance has taken root.

Furthermore, in spite of the current worldwide financial and economic crisis, Timor-Leste has not only managed to survive the setbacks it has engendered but our economy has actually grown instead of contracting. We have made real progress and will continue to make progress with the continued support of the United Nations and the international community at large. Their intervention has been a decisive element in our path to peace, security, the realization of human rights and development.

Nevertheless, Timor-Leste would like to recall that success under pillar two takes time, patience and political will. Member States have to be prepared to commit the necessary resources when and where they are needed. Investment in capacity-building, early warning systems and assistance is likely to be infinitely cheaper than paying later for stronger measures, including post-conflict reconstruction. Unfortunately, we believe this idea is something the international community is still much better at talking about than doing.

In addition, Timor-Leste urges the international community to better accept the value to be found in improving and better coordinating our early warning efforts. Our use of and receptivity to information and a more cohesive and comprehensive United Nations approach to this can only enhance our collective prevention efforts.

Our history, including the recent past in 1999 and 2006, shows us that it is our duty and our common responsibility to create a world order where inactivity in the face of suffering is not accepted. Because the expression "never again" has special significance for Timor-Leste, we feel we have a moral obligation to accept the third pillar. However, we hope that dialogue and peaceful persuasion and measures undertaken under Chapters VI and VIII of the Charter of the United Nations will take precedence over coercive responses. We also support interaction between the Security Council, the General Assembly and the Secretariat, as well as cooperation and coordination with regional and subregional organizations.

Timor-Leste unequivocally supports and joins the Secretary-General's appeal to the Security Council to refrain from employing or threatening to employ the veto in situations where there is clear failure to meet obligations relating to the responsibility to protect and to reach a mutual understanding to that effect. No country or group of countries should be allowed to interfere with or obstruct decisions that impede the implementation of R2P. The Security Council has a moral and legal responsibility to give special attention to unfolding genocide and other high-visibility crimes relating to R2P.

Timor-Leste is only seven years old — a new kid on the block — but we remain prepared and willing to assist the United Nations in living up to its irrevocable commitment to helping people in need.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): My delegation would like to start by expressing its gratitude for the convening of this series of meetings and welcoming the report of the Secretary-General (A/63/677). Ever since the 2005 World Summit, when our heads of State or Government agreed on the principle of the responsibility to protect, that principle had to be made operative. From our perspective, the Secretary-General's report is a significant step forward in proposing ways to implement it.

It goes without saying that the responsibility to protect citizens from serious violations of human rights is incumbent upon the State, and it is only when the State cannot or will not exercise its responsibility that the rest of the international community should step in to help. That was the commitment undertaken in 2005 by our leaders, and that is why this debate can in no way strip it of validity. It is clear that before resorting to force in keeping with the provisions of the Charter of the United Nations and international law, priority must be given to international assistance and capacity-building in order to help a State meet its obligations.

A number of elements pertaining to the concept contained in the Secretary-General's report have been noted, and my delegation endorses those assessments. In particular, we believe it would be appropriate to continue to develop the concept of responsible sovereignty and to explore any action that would reduce the risk of genocide or crimes against humanity recurring. We also highlight the recommendation to use the Human Rights Council as a forum to discuss how to encourage States to comply with their obligations

under the responsibility to protect and to monitor progress along those lines, along with the suggestion that this concept be disseminated among communities, that individual responsibility be promoted and that an end be put to impunity as other ways of preventing genocide.

What we have to do now is initiate a series of discussions aimed at undertaking a periodic review of the implementation of the responsibility to protect by Member States and see how to monitor Secretariat efforts to implement the concept.

My delegation recognizes that some Member States still question this concept. They feel it is a pretext for intervention in their internal affairs. That is why this debate was necessary. The Secretary-General's report has shed light on the avenues for implementing the concept we adopted at the 2005 World Summit. Clearly, implementation involves a broad range of institutional activities in conflict prevention, the promotion and defence of human rights and democracy and other activities described in the report, such as the establishment of an early warning system. My country welcomes these proposals. We agree that the preventive elements of the responsibility to protect are the most important and practical.

The implementation of the concept entails many tasks to be carried out in many areas, including Security Council decisions regarding international peace and security. But we should not use the lack of Council reform as an excuse to not move ahead in the implementation of this concept in all possible areas. In the end, what we have to do is move ahead and improve the entire range of preventive efforts to prevent situations such as those covered by the concept of the responsibility to protect from coming to the Security Council.

From our perspective, the concepts of the responsibility to protect and humanitarian intervention are so dissimilar that they must not be confused. In the past, there have certainly been genocides and various military interventions in which humanitarian criteria were used as a justification, but these were unilateral initiatives that took place outside of the United Nations framework. What the responsibility to protect tries to do is strengthen all these national capacities, first of all, and multilateral capacities, secondly, in order to prevent genocide and crimes against humanity. If a situation were to occur where the recourse to force were necessary, that could not take place outside the international legal framework to which we all belong.

Mr. Pak Tok Hon (Democratic People's Republic of Korea): My delegation associates itself with the statement made by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

It is a century-long common aspiration of humankind to live in a new peaceful and prosperous world, free from aggression and war. Contrary to the expectations of humankind at the end of the cold war, world peace and security continue to deteriorate due to the high-handedness and arbitrariness of the super-Power and all types of conflicts. It is worth recalling that in the past, military attacks were launched against a sovereign State on the pretext of humanitarian intervention. And today, aggressions and interventions are ever more undisguised and even justified under the banner of a "war on terror", infringing upon sovereignty and killing a large number of innocent people.

This reality requires United Nations Member States to seriously review the responsibility and role of the United Nations in maintaining international peace and security, with a view to taking appropriate practical measures.

The deliberations on the issue of the responsibility to protect (R2P) is, in our view, also linked to enhancing the United Nations role in conflict resolution. Nevertheless, this is very complicated and sensitive, as it is based on the concept of humanitarian intervention, which was already rejected at the United Nations.

Today, many countries are expressing concern over the responsibility to protect, which calls for the international community to intervene in those situations where genocide, war crimes, ethnic cleansing and crimes against humanity are committed by mobilizing every coercive measure, including the use of force. The concern is, first of all, whether this theory is in conformity with the principles of respect for sovereignty, equality and non-interference in others' internal affairs, as stipulated in the United Nations Charter. The international community can encourage and assist sovereign States in their efforts to fulfil their responsibility to protect their own people, but it cannot act like a master in place of their Governments.

The second concern is whether military intervention can be as effective as envisaged by the responsibility to protect in saving the lives of people and in conflict resolution. Ironically, the wars in Iraq and Afghanistan are testimony to the fact that military interventions — for any reason — have always entailed even more serious human rights violations and have thus further devastated the situation.

Last but not least, the third concern is that the concept of the responsibility to protect may be used to justify interference in the internal affairs of weak and small countries.

If this concept is to really contribute to the protection of civilians, we should be able to apply it without exceptions, including to the massive killings of innocent people in Afghanistan and Gaza. Regrettably, action on those cases cannot even be brought before the Security Council because of the involvement of the super-Power. This is the reality we are facing today.

We hope that the aforementioned concerns will be addressed in the course of deliberations.

My delegation is of the view that it is all the more urgent to take steps towards the fundamental resolution of wars and conflicts within the current framework rather than creating a new protection arrangement. To that end, just international relations based on the principles of respect for sovereignty, equality and non-interference in others' internal affairs should be established without further delay. Those principles, which are stipulated in the United Nations Charter, constitute the cornerstone of international relations, and only a world built on these principles will be free from domination and subjugation, aggression and war.

At the same time, we have to encourage the peaceful resolution of current conflicts through dialogue and negotiations, without foreign interference, and reject any type of act instigating confrontation and conflict.

The Government of the Democratic People's Republic of Korea will fulfil its responsibility to firmly safeguard its sovereignty and dignity from ever-increasing military threats by foreign forces, thus contributing actively to peace and stability in the Korean peninsula and beyond.

Mr. Ntwaagae (Botswana): I should like to express my delegation's sincere appreciation to the President of the General Assembly for convening this series of meetings to discuss the advancement of a critical norm that embodies our individual and collective commitment: the responsibility to protect. I also wish to join preceding speakers in thanking the Secretary-General for his very instructive report (A/63/677). I applaud him for his continued efforts to promote and build a normative consensus around this noble concept.

Four years ago, our heads of State or Government adopted the doctrine of the responsibility to protect as part of the 2005 World Summit Outcome Document (resolution 60/1). That pronouncement, made at the highest political level, was a clear demonstration of a strong collective commitment to protect the world's populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to eradicate impunity.

We need only recall for a moment some of the gross atrocities of recent years to realize the difference that that concept might have made had it been in effect. Indeed, history is replete with bitter lessons of grave mayhem, partly because we were indecisive as to whether the human rights abuses committed or threatened by the authorities were serious enough to warrant international attention and action. Our past failures to prevent grave human rights violations should challenge us to rededicate ourselves to our solemn oath and pledge to save succeeding generations from the scourge of war and untold sorrows.

We note with pleasure and satisfaction that the Secretary-General's report advocates a three-pillar approach to putting the concept into practice: first, States themselves have the primary responsibility for protecting their populations from genocide, war crimes, ethnic cleansing and crimes against humanity; secondly, the international community has the responsibility to help them do so; and thirdly, only in instances in which a State is manifestly failing to protect its own population does the international community have the responsibility to take timely and decisive action to remedy the situation. Even in such circumstances, it is important that the international community not undermine the sovereignty of the countries concerned under the pretext of providing support and assistance.

We also note that the Secretary-General's report not only demonstrates the urgency of operationalizing the concept as a preventive tool, but also identifies

measures and actions that can be taken to make the response to the needs of vulnerable populations more effective. We all agree that we have a role to play in this process and that appropriate action to protect populations must go beyond statements of intent and expressions of concern. Instead, we need meaningful and practical protection based on concrete and effective action.

The international community, for its part, must demonstrate political will and support by ensuring that all peaceful means of preventing or resolving a conflict are fully explored. That also means that we must all be prepared to take collective and appropriate action in a timely and decisive manner.

Early warning capability is indeed essential in putting the responsibility to protect into effect. Botswana strongly believes that concrete steps and a willingness to make flexible and pragmatic use of all means available to us will enable us to save populations from grave crimes against humanity. That is the conviction that informed our ratification of the Rome Statute, which established the International Criminal Court. We believe that the Court provides a viable judicial mechanism for addressing issues of impunity and gross human rights violations.

My delegation considers respect for democracy, good governance, human rights and the rule of law to be interlinked and mutually reinforcing and also to be prerequisites for promoting and protecting human rights at the national, regional and international levels. We therefore pledge our full support for measures designed to contribute to the promotion and protection of human rights.

In conclusion, I wish to underscore the point that we all have a duty towards the responsibility to protect. We must keep our efforts coordinated and bound together with unity and singularity of purpose. We must all be voices for collective action in the face of genocide, war crimes, ethnic cleansing and crimes against humanity.

Mrs. Aitimova (Kazakhstan): At the outset, I wish to thank the Secretary-General and his staff for preparing an unprecedented report on implementing the responsibility to protect (R2P) (A/63/677). These General Assembly plenary meetings and this thematic debate on R2P are historic, as Member States, reaffirming their earlier commitment to the 2005 World Summit Outcome Document (resolution 60/1), which contained paragraphs on R2P, have gathered for continued consideration and further elaboration of this novel concept of international law.

Kazakhstan shares the universal belief that protecting populations from grave human rights violations, such as genocide, war crimes, ethnic cleansing and crimes against humanity, is a moral imperative. At the same time, we strongly advocate the use of the concept of non-indifference when a State fails to fulfil its primary duty to protect its own people. No loss of civilian life as a result of egregious, open acts against citizens can be shielded by citing the inviolability of State sovereignty or the absolute primacy of the principle of non-interference. Far too often, owing to the lack of a unanimously agreed formula for responding to mass atrocity crimes, the world has failed to provide adequate and timely assistance or has paused in silent condemnation and inaction, thus contributing to impunity for perpetrator States.

Guided by the motto "never again" to mass atrocities and Chapters VI, VII and VIII of the United Nations Charter, Member States can certainly begin to examine security issues as they relate to individuals and/or groups — that is, apart from the usual terms of State security. Yet, very cautious case-by-case consideration of the implementation of R2P is essential in order to avoid situations in which military intervention is used for inappropriate purposes under the banner of R2P.

The Secretary-General's report provides a comprehensive conceptual framework that is sufficiently equipped with a set of reasonable practical measures and tools to leverage resources and further promote the global commitment to the R2P concept. Now, four years after the adoption of the 2005 World Summit Outcome Document, it is time to advance the R2P agenda and to begin efforts to improve the Organization's capacity to prevent the four horrendous crimes outlined in paragraphs 138 and 139 of the Outcome Document by establishing an early warning system, collecting and assessing reliable information and building the capacity of all parties involved in implementing R2P.

Kazakhstan fully supports the simultaneous implementation of the three pillars upon which the responsibility to protect rests: the protection responsibilities of the State; international assistance

and capacity-building; and timely and decisive response. At the same time, we emphasize the importance of reaching universal agreement on accurate criteria, humanitarian norms, standards and procedures to be used to determine whether a State fails to have the national capacity to protect its citizens, thereby giving a green light for the application of international coercive measures. The value of prevention in the form of exhaustive diplomatic, economic and other efforts cannot be overstated. Only when prevention fails to succeed can the third R2P pillar on the use of force be applied as a measure of last resort once it is duly approved by the General Assembly and the Security Council.

In this regard, we recognize the efforts of the African Union and the Economic Community of West African States in pioneering the drafting of progressive regional legal instruments, policy tools and mandates designed for action-oriented implementation of the responsibility to protect concept, based on cooperation with the main bodies of the United Nations. Those examples set a precedent for more strengthened collective action by other States within their regional and subregional arrangements. In the case of my country, Kazakhstan, R2P could be considered within the Conference on Interaction and Confidence-building Measures in Asia, the Shanghai Cooperation Organization, the Commonwealth of Independent States and the Collective Security Treaty Organization.

We would also like to express our full agreement with the Secretary-General's report's recommendation on ensuring the collection of updated and reliable information through all possible channels and the exchange of such information, including practical lessons learned, among Member States.

The development of principles and norms of international law, responsive laws and policies, and practical toolkits to guide States in advancing the R2P agenda to ensure fairness, political participation and non-discrimination have become critical. Further deliberation among experts, scholars and practitioners of international law on R2P that may merit further consideration by Member States is therefore more than welcome.

In this era of globalization, now is the time in the history of international law for all States Members of the United Nations to collaborate in incorporating the elements of R2P into the general principles of the United Nations as a progressive approach towards achieving universal justice. During these past three days, we have heard the international community clearly express the conviction that those who organize or engage in genocide, war crimes, ethnic cleansing and crimes against humanity against their own citizens should be held accountable. Kazakhstan strongly supports the ongoing consideration of the concept of the responsibility to protect.

Mr. Nhleko (Swaziland): I wish to add the voice of my Government to those that have spoken on the implementation of the responsibility to protect (R2P). I thank the Secretary-General for his extensive report (A/63/677), which provides a conceptual basis on how the responsibility to protect should be implemented, and we commend him for a job well done.

My delegation also aligns itself with the statement delivered by the representative of the Arab Republic of Egypt on behalf of the Non-Aligned Movement.

First and foremost, we pay tribute to the Constitutive Act of the African Union, and especially its article 4 (h), for its specific reference to the responsibility to protect, and all the more so because it amplifies the value of the policy of non-indifference. It is in the same spirit that I recall paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), wherein our leaders mandated the world to find a way to protect national populations in instances of the four crimes set out in the report of the Secretary-General.

The largest-ever gathering of the leaders of the world reached a landmark agreement based on international humanitarian and human rights law. I urge my fellow colleagues to see the vision of our leaders through, not because we have a choice, but because R2P represents a collective response to resounding failures to save human lives in the past.

Now that we have a coordinated and strategic plan for averting the four listed crimes using the Secretary-General's three pillars to respond according to the extent to which a given situation has advanced, we should not falter in taking decisive action. I would like to point out that most of our work should be concentrated on prevention rather than on intervention.

There is a strong emphasis on being narrow and deep in our thinking. I would like now to make a few

points on the depth of R2P. My delegation believes that the depth of R2P arises from a number of its virtues. As the report of the Secretary-General rightly points out, governance, sound institution-building, human rights protection and protection of the rights of women and minorities all are part of a State's responsibility to protect its populations.

The vicissitudes of the successful institutionalization of R2P lies in many preliminary programmes that are closely related to development and security. The fight against poverty and other challenges is linked to the responsibilities of Governments to their populations.

The disintegration of socio-economic and political strategies that make a successfully managed country augurs a precarious situation. Good governance during peacetime plays a positive role in R2P, and actually reinforces the State's ability to meet its obligations under pillar one. The responsibility of States to protect populations is sacrosanct, takes precedence from its very inception, and embodies the duty to enforce the rule of law and obedience to the democratic compact. The failure of a State to fulfil this role triggers a series of events that may degenerate into violent interventions by wayward elements within national borders. R2P should not start when disagreements degenerate into violence, but should embrace preventive peacetime measures undertaken primarily by the State, and complemented by the support of the international community.

My country has profound experience with respect to displaced populations and refugees from other States. The 1970s and 1980s saw untold masses of people coming into my country from neighbouring States. As small as we are, with few resources and bursting at the seams, we had the obligation to protect immigrating populations coming into Swaziland as they fled different situations. The experience of protecting foreigners and nationals at the same time has had a profound effect on our understanding of the importance of R2P. Be that as it may, my delegation is concerned that little or no reference is made in the report to the degree of responsibility of States when they occupy the land of others.

More often than not, local populations suffer untold abuses and systematic substitutions, with little attention paid to their well-being. We would like to see a more detailed prescription on how occupying Powers should be held responsible for the populations of the lands they invade. In actual fact, the systematic substitution of certain particular populations may amount to a special form of ethnic cleansing. I wish to appeal to the Secretary-General to take a closer look at the definition of ethnic cleansing and to find the means to broaden or deepen it to include such considerations. Our thinking is that such all-around elaboration with regard to the four crimes will certainly enhance the operational utility of R2P.

This also applies to the five permanent members of the Security Council, which may sometimes find themselves entangled in cases wherein they have special political and economic interests in a specific country. There is a lacuna with regard to how to force the hand of such a powerful country so that it immediately recognizes a case of R2P and does not let it degenerate into a full-blown conflict wherein extrajudicial killings occur at will.

There have been many insinuations and much scepticism about pillar three. Even though we may concede the fact that sovereignty is responsibility, there is also a gray area regarding the specific course of action to be taken should a need for pillar three arise in a given situation. The authority to intervene militarily must be approved by the Security Council. The question remains as to whether that avenue is very effective. What if the Council should suffer from operational incapacity for reasons known only to it? Some may argue that there are cases requiring regional efforts, with little involvement of the Council, but there will be situations wherein interest-propelled incapacity will take effect. We suggest that the Secretary-General devise a strategy to make it impossible for the Security Council to be inert.

Pundits may deny that some of the problems facing R2P hinge on reform of the Security Council. There is a clear need to step up the work on the structure of the Council if most of our initiatives are to be fluid. However, we do not believe that nothing can be done in the current scheme of things. Certainly, where there is a will, there is a way.

Ms. Jahan (Bangladesh): I take this opportunity to thank the President of the General Assembly for arranging this timely debate on the responsibility to protect (R2P), a concept emerging as a potentially powerful instrument for helping to prevent humanitarian tragedies.

Bangladesh subscribes to the concept of R2P as an emerging normative framework and believes that its implementation should conform to the principles of objectivity and non-selectivity. We support the view that the scope of the R2P concept should be limited to the four types of heinous crimes mentioned in the 2005 World Summit Outcome Document (resolution 60/1). We also agree that all three pillars of the concept are integral parts of the R2P implementation strategy.

Coming from a country that gained its independence following a genuine, continuous and popular uprising of the people, we fully agree that the responsibility to protect the vulnerable lies first and foremost with the individual State. This responsibility should also arise from the international community's responsibility to ensure the right to development for all nations. We would favour the exhaustive implementation of all existing mechanisms for the peaceful settlement of disputes under the relevant Charter provisions. This concept should not provide a pretext for intervening in the domestic affairs of Member States under the guise of humanitarian assistance.

I would like to place particular emphasis on the second pillar — international assistance and capacity-building. We firmly believe that, if we can achieve success in that area, we can avoid any looming humanitarian disaster.

We should also use the concept of R2P to look into the root causes of a situation in which a State is said to be failing to protect its own citizens, rather than resort to enforcement action after the global community has allowed that State to slide into chaos. The primary tools of R2P should be persuasion and support, not military or other forms of coercion. Only if prevention fails should R2P draw on other measures — economic, political, diplomatic or, as a last resort, military. Therefore, we should develop a preventive framework that would enable us to take due note of warning signs and to act instantaneously, without prejudice.

In that connection, we fully agree that it is very important that early warning and assessment be effected fairly, prudently and professionally, and without being motivated by narrow and self-serving political goals and interests. Similarly, as indicated earlier, the implementation of R2P should be non-selective and devoid of double standards. These are the very principles that are well articulated in paragraph 11 of the Secretary-General's report (A/63/677). In the final analysis, we must make sure that there will be no margin for error.

In conclusion, I wish to underline that, in the event that we reach a stage at which the Security Council has to take necessary action, we expect that it will fully carry out the responsibility entrusted to it by the entire membership of the United Nations. Furthermore, in our discussion and debate on Council reform, we should perhaps place a greater focus on working methods, the application of the veto and ensuring that it is used judiciously so that, ultimately, we do not miss out on the responsibility to protect.

Mr. Aisi (Papua New Guinea): We thank the President of the General Assembly for convening this timely debate. My delegation commends the Secretary-General for his report, entitled "Implementing the responsibility to protect" (A/63/677). More particularly, we recognize its proactive nature, as it includes various proposals and suggestions that provide a reasonable basis on which this sensitive issue can be discussed and debated within its proper context.

Recalling the very successful 2005 World Summit, the Secretary-General rightly notes in his report:

> "The task ahead is not to reinterpret or renegotiate the conclusions of the World Summit but to find ways of implementing its decisions in a fully faithful and consistent manner". (*A/63/677, para. 2*)

We support that contention and, indeed, the Secretary-General in his efforts to flesh out the details of the concept of the responsibility to protect (R2P) through this General Assembly debate and other consultations. However, in lending our support, we agree with the principle that the discussion must be confined and narrowed to four crimes, namely, genocide, ethnic cleansing, war crimes and crimes against humanity.

Understandable reservations about R2P as a concept have been expressed by delegations in differing formulations. As the most representative organ of the United Nations system, the General Assembly must give serious consideration to all the reservations expressed if a broader consensus for R2P is to be garnered. To do so would allow its improved facilitation, consolidation and implementation. In the

statement he made on behalf of the Non-Aligned Movement (see A/63/PV.97), which we agree with, the Ambassador of Egypt rightly pointed out that we should work to reconcile all divergent concerns and viewpoints through an honest, comprehensive, all-inclusive and transparent dialogue.

The robust discussions, especially during the interactive panel last week, and through these debates thus far in the General Assembly have engendered a situation in which the vision of paragraphs 138 and 139 of the World Summit Outcome document (resolution 60/1) are being realized, we would argue, in a more positive context. However, more work and discussions need to take place in order to further flesh out the concept and thereby give better definition to the implementation process of the R2P concept.

The date 30 June 2009 marks the fourth year since the Security Council mandate of the United Nations Observer Mission in Bougainville in Papua New Guinea was successfully completed. The decade-long bloody conflict claimed nearly 20,000 lives, mostly Papua New Guinean, on both sides of that conflict. The scars continue to heal with the strengthening of the continuing implementation of the Comprehensive Peace Agreement.

It seems that nothing can prepare one for the aftermath of a conflict or war. The truth, or the lack of it, is, however, always reflected in post-conflict analysis and normally posed within the ambit of questions such as why the conflict was not avoided or prevented and how factors were allowed to simmer and fester, finally ending in bloody conflict.

It is in the search for the answers to those simple questions that my delegation finds these debates and discussions on R2P of extreme interest. While the Bougainville conflict itself does not fully fall within the parameters of R2P, as we are now discussing, the lessons learned from such a conflict are invaluable.

We accept the notion that the responsibility to protect is our primary obligation. However, that does not and should not preclude assistance being rendered in situations requiring genuine assistance. In such a situation, the assistance rendered should not be seen as an abrogation of sovereign responsibility but rather, as eloquently stated on a different occasion by my colleague the Ambassador of Timor-Leste, as enhancing sovereignty.

In the annex to the Secretary-General's report, the important section on building early warning and assessment capacities sets out parameters that we can build on. Like other delegations, we support the development of an early warning system with a stronger and better monitoring mechanism. There has to be a more effective capacity-building process globally with the sharing of best practices.

The concept of best practices is often spoken about in this Hall, but not given the proper and due attention of the United Nations system. One of the challenges is the need to recognize and respect the proper value of local or indigenous knowledge. To that end, the Secretary-General rightly notes the tendency for that knowledge "to receive too little attention from global decision makers" (*A/63/677, para. 3*). Furthermore, interestingly, is the recognition in the same annex of women's groups being recognized as potential providers of timely and sensitive information on evolving conflict situations. Those examples give us a stark insight into some of the shortfalls of pre-conflict assessments, in which critical messages and signals, such as those that I have described, are overlooked because of their lowly sources. If the implementation of R2P is to be effective, we must expect the Secretariat and the overall United Nations system to be more diligent.

There remains much work to be done to further evolve the concept of R2P to implementation. While paragraphs 138 and 139 of the 2005 World Summit Outcome document give rise to the vision, it is the General Assembly that must deliver on the reality of its implementation.

In its broader reality, the phrase "never again" has been, as history suggests, somewhat of a sad failure. Nevertheless, as a contemporary international community, we have emerging tools to address that failure. In its proper context, R2P can be one of those tools. Inevitably, this debate must continue, and my delegation will engage constructively in the realization of the R2P concept pursuant to the principles agreed in the 2005 World Summit Outcome document.

Lastly, we recognize and thank Mr. Ed Luck for the work that he has done on R2P. We also look forward to working directly with people like Mr. Gareth Evans, a strong proponent of the R2P concept, in the United Nations context as these discussions continue.

Mr. Zinsou (Benin) (*spoke in French*): My delegation is grateful to the President for having organized this debate of the General Assembly on a key point of the conclusions of the 2005 Summit, namely, the issue of protecting populations from heinous crimes that seriously undermine human dignity. My delegation endorses the statement made in this debate by the Permanent Representative of the Arab Republic of Egypt on behalf of the Non-Aligned Movement (see A/63/PV.97), subject to the national sensitivities that I shall now address.

Human dignity cannot be bargained over. The commitment of the United Nations to that principle must transcend all politicking and be seen as a non-negotiable, absolute value. The report of the Secretary-General on implementing the responsibility to protect (A/63/677) firmly follows that line. We thank Mr. Luck and Mr. Francis Deng, who worked tirelessly to draw it up. We readily endorse the Secretary-General's analysis and the adoption of the three pillars on which the proposed strategy is based. It arises intrinsically from the elements approved by the heads of State at the 2005 Summit, and from the founding spirit of the United Nations Charter, which embodies the ideals of peace and freedom that the international community cannot renounce in favour of so-called realpolitik.

Given their interdependence, the three pillars constitute inseparable elements of a single body of law that is unique in itself. That is why my delegation cannot endorse any wording that would marginalize the third pillar. The responsibility to protect cannot be credible or effective without its third pillar, which embodies the determination of the international community to act decisively and resolutely to put an end to the relevant well-defined crimes. That determination is a strong dissuasive factor that must be made credible if we really seek to prevent such crimes.

The first two pillars have been effectuated with varied success, in particular since the end of the cold war. Faced with conflicts and humanitarian and ethnic disasters, the international community has become aware of the link between development and peace, poverty and armed conflict, the protection of minorities and the rule of law, and exclusion and the value of governance.

We are pleased that development assistance is increasingly being extended in the context of a multidimensional political dialogue between donors and beneficiaries and directed towards preventing armed conflict, promoting stability and addressing social problems that seriously undermine affected countries. Experience has shown that progress can be reversed by destructive conflicts that exact a heavy toll from the civilian populations that States are obligated to protect.

The concerted action of the Peacebuilding Commission to help post-conflict countries prevent a resumption of hostilities and promote reconciliation is of great merit. It is also important to implement the Paris Principles on the transparency and effectiveness of development assistance.

The duty of Governments to protect the populations over which they have sovereignty is an enduring responsibility. It is up to them to do their utmost to exercise that responsibility in accordance with international norms. In that regard, my country prides itself on having secured a peaceful transition to democracy in 1990 by averting a civil war that had been considered to be inevitable. In 1990, Benin endowed itself with a Constitution that establishes the accountability of its Governments and the individual responsibility of its public or military officials for their official actions. Its national democratic institutions have mandates that stress their responsibility to maintain the stability of the country and their role in democratically managing disputes and protecting citizens' interests on the basis of their recognized rights and duties. Moreover, the 1990 Constitution provides for the duty of civil disobedience and an appeal for external military intervention, in the context of existing defence agreements, if the established constitutional order should be unconstitutionally undermined.

The successive Governments of Benin have been deeply committed to preserving the national consensus, which is continuously strengthened by the virtues of all-inclusive and non-exclusive dialogue. The High Council of Beninese Abroad was established to that end, seeking to ensure a link between the country and its diaspora. The High Commission for Collective Governance promotes national dialogue on vital questions. Similarly, the National Assembly recently adopted a law to ensure a firm legal basis for the post of Ombudsman of the Republic, which has been operational since 2006. It promotes respect for the

rights of citizens in their relations with the Administration.

In entrenching those institutions, Benin has enjoyed the manifold assistance of development partners, which continue to contribute through various operational activities to improving the living conditions of the population, including protecting natural resources, combating poverty and social exclusion, and promoting economic growth to link democracy to shared prosperity.

External shocks caused by the successive crises that have shaken the global economy have not weakened the Government's resolve to keep its programmatic goals on course. It relies on the support of the international community. Benin is also a stakeholder in several networks for the sharing of experience in the context of South-South cooperation, and contributes significantly to collective efforts in the maintenance of international peace and security.

An enthusiastic proponent of international justice, Benin recognizes the jurisdiction of the International Court of Justice and turns to it to settle its international disputes. It has become a party to the International Criminal Court, whose independence and cooperation with the Security Council must be strengthened in order to make it an effective instrument to fight impunity and to prevent crimes related to the responsibility to protect that fall within in its remit. The Secretary-General rightly reminds us of that.

As regards the third pillar, Benin considers it to be fully consistent with the obligations freely assumed by the Beninese State under the United Nations Charter and in the context of the peace and mediation mechanism of the Economic Community of West African States, the African Union and the New Partnership for Africa's Development (NEPAD). Benin was one of the first countries to accede to the African Peer Review Mechanism established under NEPAD. The Mechanism provides the momentum for the progress and modernization of African societies. It needs the effective support of the international community to ensure the implementation of the recommendations that arise from it.

The African Peer Review Mechanism is an important framework for assessing the potential risks of conflicts and formulating active prevention policies pursuant to the provisions of resolution 1625 (2005) on the prevention and settlement of conflicts, in particular in Africa. It is to be recalled here that that resolution was initiated and negotiated by Benin during its membership of that organ in 2004 and 2005.

Benin calls on Member States in particular to see the third pillar for what it is and to resituate it in the context of the collective security regime established by the Charter. The Charter offers every legal basis for exercising the responsibility to protect, envisaged as a mechanism for progressive reaction, in particular in the face of threats to international peace and security that undermine human dignity.

In that regard, my delegation would like to state its opinion on the coercive nature of United Nations action in implementing the responsibility to protect. The third pillar of the responsibility to protect has been presented in this forum as undermining paragraph 4 of Article 2 of the Charter. In my delegation's opinion, that is a misunderstanding. In that regard, that Article applies only to wars of aggression, or at least to the use of force by States in their mutual relations as a means to pursue their foreign policy goals in a manner that is inconsistent with the purposes and principles of the Charter. The prohibition of the use of force contained in paragraph 4 of Article 2 implies a commitment of the Organization to addressing the settlement of disputes that undermine international peace and security and to adopting measures commensurate with the recognized circumstances.

Another consequence of paragraph 4 of Article 2 relates to the prerogative conferred on the Security Council to declare the existence of a threat to peace, a breach of the peace or an act of aggression. In other words, it is up to the Council to determine if and by whom the purposes and principles of the Organization have been violated and to take the measures that it deems appropriate to stop acts of aggression, as provided for in paragraph 5 of Article 2. That paragraph explicitly refers to the Organization's option to take preventive or enforcement action and calls on Member States to give it every assistance in any action taken by it in that context.

Thus, the kind of use of force provided for in paragraph 4 of Article 2 of the Charter is completely different from that undertaken by the United Nations or by regional organizations on behalf of the United Nations to resolve or to stop serious violations of the Organization's fundamental principles. If the Charter excludes the threat or use of force in relations among

Member States, it does so in order to establish the Organization's broad monopoly on the use of force, while relying on the resources of Member States.

The responsibility to protect is related to that second type of use of force. That interpretation arises from Chapters VII and VIII of the Charter. That is made especially clear in Article 53, which stipulates that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. It is the responsibility of those regional agencies to keep the Council informed of all action taken or envisaged in order to maintain international peace and security.

The Charter goes much further: it allows the Organization to ensure that States that are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of peace. Apart from preventive or enforcement measures, the Charter even stipulates expulsion of a Member State that persistently violates those principles, such that it is banned from the international community. The fact that the Organization must ensure that States that are not members of the United Nations act in line with these principles so far as may be necessary for the maintenance of international peace and security underlines the overarching nature of these principles as the basis of a worldwide legal framework. This explains the indirect obligation of non-members to respect the principles of the Organization.

A State which commits genocide, ethnic cleansing, war crimes or crimes against humanity exposes itself to enforcement measures by the Organization. It is to ensure that, in the face of such gross violations of positive international law, States are not forced to act unilaterally that the Charter confers this responsibility and prerogative on the Security Council. For we must not forget that human groups and nationalities who are the target of genocide or ethnic cleansing have friends and others bound by ties of kinship whose sympathies could bring them to view the situation as a casus belli, a justification for collective or individual self-defence, as has been the case on many occasions in recent history.

That is how alleged or proven genocide within State boundaries constitutes a threat to international peace and security. Positive international law and our collective awareness of the existing international legal order reject the idea of non-interference in internal affairs when massive violations of human rights are at stake. This points to the international ramifications of the obligations assumed by States under the international instruments to which they are party; the notion of *pacta sunt servanta* — respect for good faith — is a fundamental principle of peaceful relations between States.

The exercise of the responsibility to protect requires principles established in an objective manner. Just as it falls to the Security Council to note the existence of a threat to peace, a breach of peace or an act of aggression, it likewise falls to the Council to identify situations in which the responsibility to protect can be invoked. But let there be no misunderstanding. The very existence of a debate about an act of genocide is itself a threat to peace and international security, and should therefore spur the Security Council to undertake investigations to establish the facts. That is what it did when it established the International Commission of Inquiry on Darfur. Thus, the responsibility to protect is clearly an idea perfectly in line with the United Nations Charter.

The real problem does not relate to the existence of a legal basis for United Nations enforcement action, but rather to the inconsistent practice of the Council. We know the reasons for this. It is because of geo-strategic rivalries that have paralysed the work of the Council and that have made the Council incapable of taking the decisions that were expected of it in circumstances that called for its decisive action. It is up to us to determine the modalities for implementing the responsibility to protect in order to ensure consistent, predictable United Nations practice in this matter. This is the challenge that we need to meet in order to keep the principle of the responsibility to protect from being a mere scarecrow.

We should welcome the commitment expressed by the international community to overcome the hazards that the implementation of the Charter has encountered to date in terms of protecting populations and human lives. This is the meaning of paragraphs 138 and 139 of the 2005 World Summit Outcome Document, which we must implement. This is the work that we need to get down to, bearing in mind our historic responsibility.

These hazards reflect a lack of will to act on the part of those with the capacity to do so and who thus

exert discretionary power over decisions in this matter by putting their own current interests first. This does not include only the permanent members of the Security Council. The resulting policy of double standards has significantly harmed the credibility of the United Nations. The Secretary-General recognizes this in his report. There is also the difficulty that the United Nations is encountering in mobilizing human and logistical resources that are needed to deal with situations that must be dealt with rapidly and resolutely.

The lack of interest and action and the resulting lack of will to act do not reduce our duty to act. The operations that the United Nations undertook in Somalia at the beginning of the crisis are at odds with the indifference demonstrated after their failure and show that the international community was well aware of its responsibility to people in that country. It remains the same today even if the terms of the equation have changed.

This is why my delegation calls for a multinational rapid deployment force to be set up pursuant to Article 45 of the Charter; this would bring together contingents from five regions under the supreme command of the Secretary-General, with its operational command rotating on a regional basis and a robust mandate and appropriate means to ensure that it is a credible international force. The force should be able to be mobilized and deployed in a matter of days into identified theatres as soon as a decision on deployment has been taken by the competent United Nations organ. It is for the Security Council to take that decision pursuant to Chapter VII.

Now that the responsibility to protect has been explicitly affirmed, failure on the part of the Council in this matter could cause a serious crisis within the Organization, because Member States' displeasure at the Council's inaction will increase, as will belief that the General Assembly has the capacity to fill the gap pursuant to resolution 377 (V), "Uniting for Peace". We came across such a situation in the recent deadly campaign against Gaza.

From this perspective, we would gain from instituting, in the context of United Nations reform, a mechanism to reduce the impact of geo-strategic rivalries on questions relating to the exercise of the responsibility to protect. That might take the form of minor consensual procedural revision of the way in which relations between the General Assembly and the Security Council are managed. If the Council cannot take an appropriate decision on a matter involving the responsibility to protect in a reasonable time frame, which would depend on the degree of urgency, the Assembly could take up the question, if necessary, to take a decision on measures considered by the Council and to inquire of the Council about whether or not they are appropriate to the circumstances. In such cases, the Security Council should take a decision by a secret vote, thereby excluding the right of veto.

If and only if the Council is still unable to take a decision in keeping with the interests of the international community, then the General Assembly could consider resort to resolution 377 (V) by a qualified majority vote, to enable the international community to shoulder its responsibilities in accordance with the promises made by the peoples of the United Nations in the Charter and with the resulting obligations for Member States.

Ms. Kafanabo (United Republic of Tanzania): It is now almost four years since our heads of State or Government at the 2005 World Summit stressed the need for the General Assembly to continue to consider the concept of the responsibility to protect (R2P). It is therefore appropriate that we take up the challenge now.

My delegation thanks the President of the General Assembly for organizing this debate and also thanks the Secretary-General for the introduction of his report (A/63/677) on Tuesday, 21 July 2009 (see A/63/PV.96). We welcome the report of the Secretary-General, entitled "Implementing the responsibility to protect". We believe that the report forms a good basis for our deliberations on this issue. We also believe that the Secretary-General's recommendations contained in the report warrant our serious consideration. We further concur with the Secretary-General that our task is not to reinterpret or renegotiate the conclusions of the 2005 World Summit. It is our hope therefore that in this debate we will discuss the way forward on how to implement the commitments of our leaders as stipulated in paragraphs 139 and 140 of the Summit Outcome (resolution 60/1). These commitments are clearly a response to historic collective failures to save human lives. The huge loss of life that we witnessed in Rwanda and elsewhere should not be allowed to be repeated.

The Government of the United Republic of Tanzania has always been in the forefront in the maintenance of peace and security and has played key roles in negotiating peace settlements in the African region, particularly in the subregions of the Great Lakes and Southern Africa. The participation of Tanzania in the maintenance of peace and security is derived from our conviction that there can be no peace in our country when there is instability in neighbouring States. When there is instability it is the people who bear the burden. Governments thus have the primary responsibility to protect their own people. And when Governments fail or are unable to offer such protection, we should take on a collective responsibility to protect humanity. Governments must ensure respect for the rule of law, human rights and democracy; this is responsible sovereignty.

We need to respect sovereignty, but at the same time we cannot remain indifferent to gross human rights violations. States must be held accountable in the practice of responsible sovereignty, which calls for respect of universal values and the maintenance of peace and security. In this regard I wish to quote the words spoken by the former President of Tanzania, His Excellency Mr. Benjamin Mkapa, during the first International Conference on the Great Lakes Region:

> "In the aftermath of the genocide in Rwanda, and in light of a massive influx of refugees in the Great Lakes region, it is inevitable to conclude that the principle of non-intervention in the internal affairs of a State can no longer find unqualified, absolute legitimacy. The possibility for intervention must be placed on the table as part of the international strategy for durable peace and security."

In this regard, we need to emulate the position of the African Union, which has moved from a position of non-interference in the internal affairs of Member States to that of non-indifference.

Our stance on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity is unwavering. Our former President explained very well our position at the first International Conference on the Great Lakes Region, where he had the following to say on the issue:

> "States must firmly be placed on notice that the humanity we share demands that we should collectively have an interest in its promotion as well as its protection. Governments must first be held responsible for the lives and welfare of their people. But there must also be commonly agreed rules and benchmarks that could trigger collective actions through our regional organizations and the United Nations against Governments that commit unacceptable human rights abuses or threaten regional peace and security. We thus welcome the affirmation by world leaders of the responsibility to protect civilians from genocide, crimes against humanity, war crimes and ethnic cleansing."

The responsibility to protect is not a substitute for mechanisms and instruments that are already in place, but rather, it complements them in a collective manner. The 2005 Summit Outcome Document clearly stipulates the responsibility to protect is only in respect to genocide, war crimes, ethnic cleansing and crimes against humanity. We would wish that this focus of R2P be maintained; there should be no attempt at present to include other elements.

As we discuss the implementation of R2P, we should maintain the parameters and the caveats that are contained in paragraphs 138 and 139. The challenge that we have before us is how to develop a common understanding, agreed rules and benchmarks. We believe that the United Nations is rightly placed to discuss the issue further so that we arrive at a consensus on the implementation of R2P. It is equally important that regional organizations become part of the equation as we discuss the elements of R2P and its implementation.

This debate is the beginning of a process of arriving at a consensus on the issue of R2P. The three pillars that the Secretary-General has described in his report should be our starting point in discussing how we implement R2P. We expect that we will continue with this debate during the sixty-fourth session, and in that regard we encourage the Secretary-General to prepare a report that will take into account this session's deliberations as well as regional experiences.

The meeting rose at 1.10 p.m.